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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,716	06/26/2003	Marian Rudolf	I-2-0361.1US	5784

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VOLPE AND KOENIG, P.C.  
DEPT. ICC  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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LU, ZHIYU

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,716	<b>Applicant(s)</b> RUDOLF ET AL.	
	<b>Examiner</b> Zhiyu Lu	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4-6, 7-8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lieshout et al. (US2002/0094833).

Regarding claim 1, Lieshout et al. teach a method for exchanging information between a drift radio network controller (D-RNC) (28 of Fig. 3) and a servicing radio network controller (S-RNC) (26 of Fig. 3) of at least one drifting wireless transmit/receive unit (WTRU) (UE, 30 of Figs. 2-3), the method comprising:

the D-RNC sending a request message to the S-RNC requesting measurements of the drifting WTRU (paragraph 0042); the S-RNC receiving the request message and sending an information message with the requested measurements to the D-RNC; and the D-RNC receiving the information message (Figs. 2-4, paragraphs 0014-0016, 0038-0042).

Regarding claim 4, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the requested measurements include traffic volume measurements (paragraphs 0014, 0030, 0038, 0040).

Regarding claim 5, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the request measurements include other WTRU known measurements (paragraph 0014).

Regarding claim 6, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the requested message and the information message is sent through a radio network controller interface (Iur) (Fig. 3, paragraph 0007).

Regarding claim 8, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the request message is for a single drifting WTRU (30 of Figs. 2-3).

Regarding claim 7, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the requested measurements are available at the S-RNC without requesting the drifting RNC to make measurements (paragraphs 0031-0034), where SRNC has the measurements before and during handover and provides to DRNC during handover for resource allocation purpose.

Regarding claim 10, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the request message is sent after a threshold number of WTRUs of the D-RNC are in drift mode (paragraphs 0014, 0042), where the threshold number is one.

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Regarding claim 11, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the request message is sent after a threshold percentage of WTRUs of the D-RNC are in drift mode (paragraphs 0014, 0042), where the threshold percentage is zero percent.

Regarding claim 12, Lieshout et al. anticipate the limitation of claim 1.

Lieshout et al. also anticipate the limitation of the information message is sent using radio network sublayer application part (RNSAP) procedures (paragraph 0016).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Ranta (US2001/0034254).

Regarding claim 2, Lieshout et al. teach the limitation of claim 1.

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But, Lieshout et al. do not expressly disclose the limitation of the requested measurements include a downlink common control physical channel (CCPCH) received signal code power (RSCP).

However, Lieshout et al. disclose SRNC taking UE measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040).

Ranta teaches the limitation of UE taking measurement of a downlink common control physical channel (CCPCH) received signal code power (RSCP) (paragraph 0059) in relation to power control.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate measurement of a downlink common control physical channel (CCPCH) received signal code power (RSCP) taught by Ranta into the requested information of the method of Lieshout et al., as another factor for SRNC to take into account in determining transmit power.

3. Claims 3 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Terry et al. (US2003/0016641).

Regarding claim 3, Lieshout et al. teach the limitation of claim 1.

But, Lieshout et al. do not expressly disclose the limitation of the requested measurements include an interference signal code power (ISCP) measurement.

However, Lieshout et al. disclose SRNC taking UE measurements SRNC taking UE measurements in power strength and interference from UE into account (paragraphs 14 and 40).

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Terry et al. teach the limitation of UE taking measurement in interference signal code power (ISCP) (paragraph 0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate measurement in ISCP taught by Ranta into the requested information of the method of Lieshout et al., as another factor for SRNC to take into account in determining transmit power.

4. Claims 9 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lieshout et al. (US2002/0094833).

Regarding claim 9, Lieshout et al. teach the limitation of the request message is for a drifting WTRU (inherent).

But, Lieshout et al. do not expressly disclose the limitation of the request message is for a group of drifting WTRU.

However, Lieshout et al. disclose a group of WTRU (UE) is directly under the same RNC (Fig. 1), it would have been obvious to one of ordinary skill in the art to modify the request message into for a group of WTRU instead of a single WTRU when there is a group of drifting WTRU, so that the SRNC can determine transmit power for the group of drifting WTRU.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Lieshout et al. into having a request message for a group of drifting WTRU, in order to request necessary measurement to determine transmit power for a group of drifting WTRU.

5. Claims 13-24 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Gagnon et al. (US Patent#6285880).

Regarding claim 13, Lieshout et al. teach a wireless communication system (Fig. 1) comprising:

a drifting wireless transmit/receive unit (WTRU) (30 of Fig. 3), a drifting radio network controller (D-RNC) (28 of Fig. 3) and a servicing radio network controller (S-RNC) (26 of Fig. 3) associated with the drifting WTRU;

the D-RNC comprising:

a WTRU measurement request device for sending a message requesting measurements of the drifting WTRU (inherent in paragraph 0042); and  
a radio resource management device for managing radio resources of the D-RNC, the radio resource management device receiving the collected uplink measurements and the drifting WTRU measurements (paragraphs 0031-0035, 0042); and

the S-RNC comprising:

a WTRU measurement collection device for collecting measurements of the WTRU 9 (paragraph 0042); and  
a WTRU measurement response device for sending collected measurements of the WTRU to the D-RNC in response to receiving the sent message (paragraph 0042).



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But, Lieshout et al. do not expressly disclose the limitation of the DRNC comprising an uplink measurement collection device for collecting uplink measurements of cells associated with the DRNC.

Gagon et al. teach the limitation of an uplink measurement collection device for collecting uplink measurements of cells associated with the MSC during handoff procedure (60 of Fig. 3, column 7 lines 36-43).

Note it would have been obvious to one of ordinary skill in the art to recognize that devices exist within the RNC to perform the above functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate collecting uplink measurement taught by Gagon et al. into the system of Lieshout et al., in order to provide transmit power determining factors.

Regarding claim 19, Lieshout et al. teach a radio network controller (RNC) for controlling wireless users, the RNC capable of operating as a drift RNC (D-RNC) and as a servicing RNC (S-RNC) (paragraph 0031), the RNC comprising:

- a wireless transmit/receive unit (WTRU) measurement request device for sending a message requesting measurements of a drifting WTRU (inherent in paragraph 0042);
- a radio resource management device for managing radio resources of the RNC, the radio resource management device receiving the collected uplink measurements and the drifting WTRU measurements (paragraphs 0031-0035, 0042);
- a WTRU measurement collection device for collecting measurements of the WTRU (paragraph 0042); and

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a WTRU measurement response device for sending collected measurements of the WTRU to another RNC in response to receiving a WTRU measurement request message (paragraph 0042).

But, Lieshout et al. do not expressly disclose the limitation of an uplink measurement collection device for collecting uplink measurements of cells associated with the RNC.

Gagon et al. teach the limitation of an uplink measurement collection device for collecting uplink measurements of cells associated with the MSC during handoff procedure (60 of Fig. 3, column 7 lines 36-43).

Note it would have been obvious to one of ordinary skill in the art to recognize that devices exist within the RNC to perform the above functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for collecting uplink measurement taught by Gagon et al. into the RNC of Lieshout et al., in order to provide transmit power determining factors.

Regarding claim 22, Lieshout et al. teach a radio network controller (RNC) for controlling wireless users, the RNC capable of operating as a drift RNC (D-RNC) and as a servicing RNC (S-RNC) (paragraph 0031), the RNC comprising:

means for sending a message requesting measurements of a drifting wireless transmit/receive unit (WTRU) (inherent in paragraph 0042);  
means for managing radio resources of the RNC, the radio resource management device receiving the collected uplink measurements and the drifting WTRU measurements (paragraphs 0031-0035, 0042);

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means for collecting measurements of the WTRU (paragraph 0042); and

means for sending collected measurements of the WTRU to another RNC in response to receiving a WTRU measurement request message (paragraph 0042).

But, Lieshout et al. do not expressly disclose the limitation of means for collecting uplink measurements of cells associated with the RNC.

Gagon et al. teach the limitation of an uplink measurement collection device for collecting uplink measurements of cells associated with the MSC during handoff procedure (60 of Fig. 3, column 7 lines 36-43).

Note it would have been obvious to one of ordinary skill in the art to recognize that means exist within the RNC to perform the above functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for collecting uplink measurement taught by Gagon et al. into the RNC of Lieshout et al., in order to provide transmit power determining factors.

Regarding claim 14, Lieshout et al. and Gagon et al. teach the limitation of claim 13.

Lieshout et al. also teach the limitation of acquiring measurements when detecting a drifting EU (paragraphs 0014, 0042), which means logic exists to determine when to request the drifting WTRU measurements.

Regarding claim 15, Lieshout et al. and Gagon et al. teach the limitation of claim 14.

Lieshout et al. also teach the limitation the D-RNC comprises the logic (paragraphs 0014, 0042).

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Regarding claim 16, Lieshout et al. and Gagon et al. teach the limitation of claim 14.

Lieshout et al. also teach the limitation of a controlling radio network controller (DRNC) comprises the logic (paragraphs 0014, 0042).

Regarding claim 17, Lieshout et al. and Gagon et al. teach the limitation of claim 13.

Lieshout et al. also teach the limitation of further comprises a radio network controller interface (Iur), wherein the sent collected measurements and the sent requesting measurement message are sent through the Iur (paragraphs 0042 and 0047).

Regarding claim 18, Lieshout et al. and Gagon et al. teach the limitation of claim 17.

Lieshout et al. also teach the limitation of the sent collected measurements and the sent requesting measurement message are sent using radio network sublayer application part procedures (paragraph 0047).

Regarding claims 20 and 23, Lieshout et al. and Gagon et al. teach the limitations of claims 19 and 22.

Lieshout et al. also teach the limitation of acquiring measurements when detecting a drifting EU (paragraphs 0014, 0042), which means logic exists to determine when to request the drifting WTRU measurements.

Regarding claims 21 and 24, Lieshout et al. and Gagon et al. teach the limitations of claims 19 and 22.

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Lieshout et al. also teach the limitation of the WTRU measurement request device and the WTRU measurement response device use radio network sublayer application part procedures for signaling (paragraph 0047).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhiyu Lu   
March 15, 2006

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**